

REMARKS

Claim 1 is pending in the application.

Claim 1 was rejected.

Claim1 is amended herein.

New Claims 2-11 are added

I. 35 USC §102 Claim Rejections

In the Office Action, independent claim 1 was rejected under 35 USC §102(e) as being anticipated by Killian (U.S. Patent No. 6,438,592). Applicant respectfully traverses this rejection and requests reconsideration by the Examiner.

The invention here is directed to a method and system for determining quality of service parameters for a plurality of links in a network. In particular, the invention contemplates a down-loadable applet for transmission from a server to at least one client, which applet operates to cause the client to initiate communications links with a plurality of target hosts, such hosts being independent of the server, and to determine quality-of-service (QoS) parameters for each of the communications links established with the plurality of target hosts. After collecting such link QoS parameter data for a determined interval, the client applet compiles such data and uploads it to the server. At the server, such link QoS parameter data from the at least one client is combined with data from other clients operating in a similar manner with the server to develop a substantially network-wide indication of link performance in the network.

Although Killian is generally concerned with quality of service between a server and a client, the thrust of its teaching is directed to end-to-end performance measurement. Thus, while performance problems resulting from problems in the connecting communications links will be within the purview of Killian's performance measurement, such performance problems

are at least as likely to occur in the server or the client itself, as Killian's disclosure makes clear, and no means is taught by Killian to separately identify communications-link QoS measurements. Equally important, the performance measurements taught by Killian are solely determined between a server and its client (or between a linked group of servers acting together and a given client). Nothing in the teaching of Killian can reasonably be read to show or suggest the idea of the invention here where a client operates to establish communications links with a plurality of target hosts independent of the client's server and collects and processes link QoS measurements for the communications links so established.

Although Applicant believes that the existing independent claim includes limitations that readily distinguish over the teaching of Killian, he has nonetheless determined to amend that claim in a manner intended to further clarify that distinction. As so amended, Applicant submits that independent claim 1 is clearly patentable over the art of record herein. Withdrawal of the §102 rejection of that claim 1 is accordingly respectfully requested.

II. New Claims

Applicant has added additional claims including two new independent claims to address aspects of the invention that may not have been fully articulated by the existing claim. Each of the new independent claims includes limitations corresponding to amendments discussed above for independent claim 1 and are accordingly believed to also distinguish over the art of record.

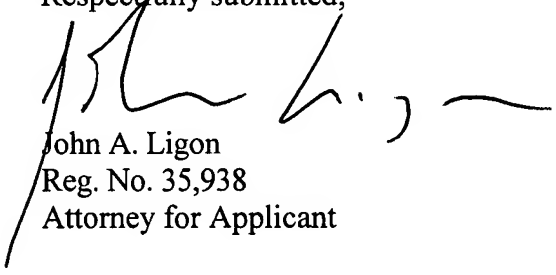
III. Conclusion

Having fully addressed the Examiner's rejection basis herein, it is believed that, in view of the preceding amendments and remarks, this application now stands in condition for allowance. Such allowance is respectfully requested.

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Please charge any fees due in respect to this amendment to Deposit Account No. 50-1944.

Respectfully submitted,


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Dated: May 11, 2007

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I hereby certify that this Response to Final Office Action is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on May 11, 2007.

By:


John A. Ligon